

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TARGET TRAINING INTERNATIONAL,
LTD.,

Plaintiff,

v.

EXTENDED DISC NORTH AMERICA,
INC.,

Defendant.

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Civil Action No. 4:10-cv-03350

JURY TRIAL DEMANDED

**DECLARATION OF STEPHEN F. SCHLATHER IN SUPPORT OF
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT OF
NON-INFRINGEMENT AND INVALIDITY, AND,
ALTERNATIVELY, MOTION TO DISMISS**

I, **STEPHEN F. SCHLATHER**, declare under the penalty of perjury as follows:

1. My name is Stephen F. Schlather. I am over the age of twenty-one (21) years, and I am competent to testify on the matters stated herein. I am a shareholder at the law firm of Collins, Edmonds, Pogorzelski, Schlather & Tower, PLLC, and am counsel of record for Defendant, Extended DISC North America, Inc. ("EDNA"), in the above referenced matter. In connection with my work on this case, I have personal knowledge of the facts and statements in this declaration and declare that each of the facts is true and correct.

2. Attached to EDNA's motion as Exhibit B is a true and correct copy of Target Training International Ltd.'s ("TTI") Preliminary Infringement Contentions Regarding EDNA's Products.

3. Attached to EDNA's motion as Exhibit C is a true and correct copy of a Final Office Action dated March 1, 2012 finding all original claims of the '372 patent invalid.

4. Attached to EDNA's motion as Exhibit D is a true and correct copy of an opinion

from the Patent Trial and Appeal Board dated September 30, 2013 affirming the invalidity findings of the Final Office Action.

5. Attached to EDNA's motion as Exhibit E is a true and correct copy of an Order dated September 16, 2014 from the Federal Circuit affirming the Patent Trial and Appeal Board's decision.

6. Attached to EDNA's motion as Exhibit F is a true and correct copy of the Reexamination Certificate of U.S. Patent No. 7,249,372 issued on January 12, 2015.

Executed in Houston, Texas on this 22nd day of January, 2015.

/s/ Stephen F. Schlather
Stephen F. Schlather